

PATENT  
450101-02921

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kondo TETSUJIRO et al.  
Serial No. : 09/830,858  
For : SIGNAL PROCESSING METHOD AND APPARATUS AND  
RECORDING MEDIUM  
Filed : May 1, 2001  
Examiner : Yogesh K. Aggarwal  
Art Unit : 2615

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on **January 14, 2005**.

**William S. Frommer, Reg. No. 25,506**

(Name of Applicant, Assignee or Registered Representative)

  
Signature

**January 14, 2005**

Date of Signature

**RESPONSE TO REQUIREMENT FOR  
ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated December 14, 2004, wherein the Examiner required an Election of Species. The Examiner contends the claims of the present application are directed to the following species:

Species 1, corresponding to Fig. 1;

Species 2, corresponding to Fig. 10;

Species 3, corresponding to Fig. 14;

Species 4, corresponding to Fig. 20;

Species 5, corresponding to Fig. 39;

Species 6, corresponding to Fig. 66; and

Species 7, corresponding to Fig. 71.

The Examiner did not identify which claims, in his view, read on these respective species. He did, however, contend that none of the claims is generic.

It is respectfully submitted that Figs. 1 and 10 identify the same species, with Fig. 10 being a more detailed illustration of that species. Accordingly, it is requested the Examiner amend his definition of the identified species to be as follows:

Species 1, corresponding to Figs. 1 and 10;

Species 2, corresponding to Fig. 14;

Species 3, corresponding to Fig. 20;

Species 4, corresponding to Fig. 39;

Species 5, corresponding to Fig. 66; and

Species 6, corresponding to Fig. 71.

With this correct definition of the identified species, Applicants elect for further prosecution in this application, the claims that read on Species 1, namely, claims 1-45, 51-58, 61 and 68-84. Should the Examiner agree to this redefinition of the species, this election is made without traverse. However, should the Examiner contend that Fig. 1 is directed to a species that differs from the species of Fig. 10, he is requested to explain his definition and to point out why,

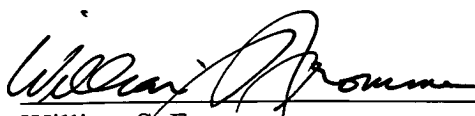
in his view, the apparatus shown by an illustration in greater detail is not the same species as that same apparatus shown by an illustration in much broader terms, i.e., a higher (or top) level illustration.

Moreover, whereas the Examiner did not identify which claim reads on which species, it is submitted that it is premature (and unsupported) to contend there are no generic claims. Applicants' representative believes that one or more of the independent claims included in the elected claims 1-45, 51-58, 61 and 68-84 are generic to more than one of species 1-6. Accordingly, if any of these generic claims eventually is allowed, it is recognized that the instant requirement for an election of species will be withdrawn; and all claims which include the limitations of the generic claims, irrespective of the particular species on which those claims read, likewise will be allowed.

Applicants reserve their right to file one or more divisional applications, if necessary, to proceed with the examination of the non-elected claims.

An early examination on the merits of the claims of this application are respectfully solicited.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

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